

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK

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IN RE:

JENNIFER M WAITE,

DEBTOR.

CHAPTER 7  
CASE NO. 12-31815

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C. CHANNING REDFIELD

Plaintiff

ANSWER

Adv. Case No. 13-50019-5

v.

JENNIFER M. WAITE,

Defendant.

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Defendant JENNIFER M. WAITE by her attorneys the Antonucci Law Firm  
LLP, for an answer to the complaint of the Plaintiff respectfully state as follows:

1. Admits the allegations contained in paragraphs one, two, three, four, five six, sixteen and eighteen of the complaint.
2. Lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraphs seven, eight, nine, ten, eleven, twenty-three, twenty-five, twenty-six and fifty-five, fifty-seven, fifty-eight, fifty-nine, sixty-one sixty-two, sixty-three, sixty-four, sixty-six, sixty-seven, and sixty-eight of the complaint.

3. Avers that twelve, thirteen, fourteen, fifteen, seventeen, twenty-two, twenty-four, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, thirty-nine, forty, forty-one, forty-two, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty, fifty-one, fifty-two, fifty-three of the complaint refer to documents which are the best evidence of their terms and condition and, accordingly, denies the allegations contained in those paragraphs of the complaint.

4. Denies the allegations contained in paragraphs fifty-four, fifty-six, sixty, of the complaint of the Plaintiff.

5. Denies each and every other allegation of the complaint which is not otherwise denied, admitted, averred to or otherwise controverted above.

FOR A FIRST AFFIRMATIVE DEFENSE

6. The complaint fails to state a claim of relief for which relief can be granted.

FOR A SECOND AFFIRMATIVE DEFENSE

7. The Plaintiff fails to name essential or necessary parties.

FOR A THIRD AFFIRMATIVE DEFENSE

8. The complaint fails to comply with the Federal Rules of Civil Procedure or Federal Rules of Bankruptcy Procedure in that it fails to allege claims for relief with the requisite specificity.

FOR A FOURTH AFFIRMATIVE DEFENSE

9. The complaint is barred by the doctrine of Dirty Hands.

FOR A FIFTH AFFIRMATIVE DEFENSE

10. The complaint is barred by the Doctrine or Estoppel.

FOR A SIXTH AFFIRMATIVE DEFENSE

11. The action is barred by the doctrine of Election of Remedies.

FOR A SEVENTH AFFIRMATIVE DEFENSE

12. The action is barred by the Doctrine of Waiver.

FOR AN EIGHTH AFFIRMATIVE DEFENSE

13. Plaintiff has failed to satisfy conditions precedent to the commencement of this action.

FOR A NINTH AFFIRMATIVE DEFENSE

14. The action is barred by the doctrine of laches.

FOR A TENTH AFFIRMATIVE DEFENSE

15. The representations of the Defendant, if false, were not material and the truth known to the Plaintiff.

FOR AN ELEVENTH AFFIRMATIVE DEFENSE

16. No action of the Debtor was willful or deliberate as alleged in the Complaint. Any misstatements were inadvertent and later disclosed.

FOR A TWELVE AFFIRMATIVE DEFENSE

17. The Defendant had not actual, statutory or implied fiduciary duty to the Plaintiff.

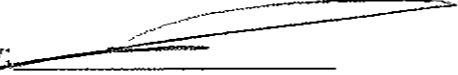
FOR A THIRTEENTH AFFIRMATIVE DEFENSE

18. The Plaintiff did not rely on the representations of the Plaintiff.

WHEREFORE, the Defendant demands the complaint be dismissed along with such other and further relief as the court finds just and proper including the costs and disbursements of this action and reasonable attorney's fees.

Dated: November 20, 2013

Antonucci Law Firm LLP

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